

Department of General Services
California Environmental Quality Act
Decision Manual

DECEMBER 2018

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1. PREFACE

The Department of General Services (DGS), Real Estate Services Division (RESA) offers a full range of real estate and design services to all state agencies. The mission of the Project Management and Development Branch (PMDB) within RESA is to deliver quality, cost effective services relative to each individual client agency project requirements. This includes management of the planning, design and construction of major and minor capital outlay projects within the scope, budget, and schedule that meet the program requirements of our clients and the authorization of the Legislature. The PMDB Project Directors (PD) and Project Managers (PM) has the primary responsibility for assuring that during the various phases that each project is appropriately scoped, budgeted and managed from acquisition through construction. The PDs/PMs must coordinate with both internal and external stakeholders including but not limited to DGS environmental, facilities management and real estate staff. The DGS California Environmental Quality Act (CEQA) Decision Manual shall be used by the PDs/PMs in coordination with the Environmental Services Section (ESS) at each relevant phase of a project to determine the project scope, risks and associated costs and schedule impacts to the project. These consultations shall occur for any due diligence, acquisition, completion of Budget Packages or at the commencement of each project.

The PDs/PMs and the ESS staff shall meet internally as well as visit the project location to identify potential CEQA considerations, so that the information may be appropriately captured in the project scope, schedule, budget as well as identification of information that shall be included in all project contract documents for design and construction activities.

2. PURPOSE OF DECISION MANUAL

This Decision Manual was prepared for PMDB to provide guidance for understanding effective use of CEQA for major and minor capital outlay projects and other service requests where applicable. The purpose of this Decision Manual is to assist PDs/PMs in:

- Identifying the key decision points during the CEQA process and understanding the risks and implications associated with these decisions.
- Understanding the expected obligations and requirements under CEQA;
- Articulating the recommended CEQA strategy for various types of projects, including an appreciation of risks;
- Identifying a legally defensible and efficient path forward with project environmental review.

The following sections will help PMDB PDs/PMs understand the many steps that potentially occur during the CEQA process. We begin with an overview of CEQA, important CEQA terms, and the basic steps of CEQA process.

3. CEQA OVERVIEW

CEQA establishes a process by which public agencies must study and disclose the environmental impacts of their “projects” (as defined in the regulations; see below). CEQA applies to most public agency decisions to carry out, authorize, or approve projects that could have adverse effects on the physical environment. CEQA includes three components, statutes, guidelines, and case law. The CEQA Guidelines, adopted by the Secretary for Natural Resources, provide specifics on how to comply with CEQA. These Guidelines apply statewide and govern the assessment, disclosure, and review of all environmental impacts that may result from proposed projects. Case law assists with the proper implementation of CEQA.

There are four basic purposes of CEQA (CEQA Guidelines Section 15002(a)):

1. Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
2. Identify the ways that environmental damage can be avoided or significantly reduced (e.g., early design considerations).
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

There are procedural requirements that accomplish CEQA disclosure objectives, such as providing public participation and fostering intergovernmental coordination and communication. To enhance public participation, CEQA includes requirements pertaining to public scoping, public noticing, public availability of documents, agency response to comments, citizen access to courts, and legal enforcement procedures. CEQA fosters intergovernmental coordination via early consultation requirements, scoping meetings, and a Notice of Preparation (for EIRs).

3.1 A FEW BASIC CEQA TERMS

Project – Under CEQA, a project is an activity undertaken by a public agency which may cause direct and indirect physical change. Direct impacts are caused by a project and occur at the same time and place. For example, site preparations including demolition, land clearing, and grading may have direct impacts to air, water, and other natural systems. Indirect impacts

are reasonably foreseeable and caused by a project, but occur at a different time or place. CEQA states the following:

An indirect physical change in the environment is a physical change...which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect change in the environment.

For example, an indirect impact may include effects related to induce changes to the surrounding landscape causing changes in the local and regional environment and triggering subsequent and related effects on air, water, and other natural systems. For instance, a new employment center could trigger a new demand for addition housing in the area.

Significant Impact – A significant impact on the environment is a finding of a project if one or more of the following conditions exist:

1. A project has the potential to degrade the quality of the environment, curtail the environment, or to achieve short-term to the disadvantage of long-term environmental goals.
2. The possible impacts of a project are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
3. The environmental effects of a project will cause substantial adverse effects on humans. Either directly or indirectly.

Thresholds of Significance – A threshold of significance is an identifiable, quantitative, qualitative, or performance level of a particular environmental effect. Compliance typically means a less-than-significant impact. Non-compliance with a threshold usually means a significant impact.

Substantial evidence – Include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts. Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, do not constitute substantial evidence.

Whole of the Action – The term “whole of the action” applies to the definition of a project under CEQA and it is a very important concept. When considering a proposed project, the evaluation “must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

The notion of splitting up a larger project into smaller, more “bite-sized” projects, is commonly referred to as “piece-mealing” or “segmentation.” In general, piece-mealing is not allowed in CEQA because it can prevent full disclosure of environmental impacts. However, it should be pointed out that the ruling against segmentation does not mean that every activity related to a proposed project must be included in the project description (and subsequent impact analysis) of the CEQA document. Only related actions have to be included in a CEQA document when they were reasonably foreseeable, but not when they were remote and speculative. In short, speculation is not done in CEQA, even when it comes to potential later phases of a proposed project.

Mitigation Measures – Mitigation is required in CEQA for impacts identified as being significant. The types of actions that constitute mitigation under CEQA include:

1. Avoiding the impact altogether, i.e., project redesign or reconfiguration
2. Minimizing impacts
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment
4. Reducing or eliminating the impact over time by preservation and conservation
5. Compensating for the impact by replacing or providing substitute resources or environments

Feasible – Means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

3.2 BASIC STEPS OF DETERMINING LEVEL OF CEQA REVIEW

Aside from requiring public disclosure of significant environmental impacts of projects, CEQA established a process by which governmental agencies must identify, analyze, and disclose impacts. Determining the appropriate level of environmental review for a particular activity begins with one of more of the following three steps:

1. Preliminary Review. The first step is to determine whether CEQA applies to the proposed activity. If the activity undertaken by a public agency will not cause direct and indirect physical change in the environment, then it is considered an activity outside of CEQA (i.e., a feasibility study). The second step of the preliminary review is to determine if the activity is exempt from CEQA. If the project is exempt, then a Notice of Exemption (NOE) is prepared, except where exceptions applies (see Section 5.1 for a further discussion of exceptions).
2. Initial Study and Mitigated Negative Declaration (IS/MND). The next step of determining an appropriate level of CEQA review includes preparing an Initial Study. The identification of environmental effects is determined through the use and completion of a checklist, (an example is provided in the appendices). The Initial

Study shows the severity of the project impacts under 19 resource topics. A Mitigated Negative Declaration may be filed at OPR, if the Initial Study determines that the proposed project includes mitigation measures that reduce impacts to a less-than-significant level; otherwise proceed to the next step.

3. **Environmental Impact Report (EIR).** If the Initial Study discloses that a proposed project may result in one or more significant impacts to the environment (that cannot be mitigated to a less-than-significant level), the lead agency prepares an EIR.

Figure 1 below shows and summarizes the pathway to determining the appropriate level of CEQA review.

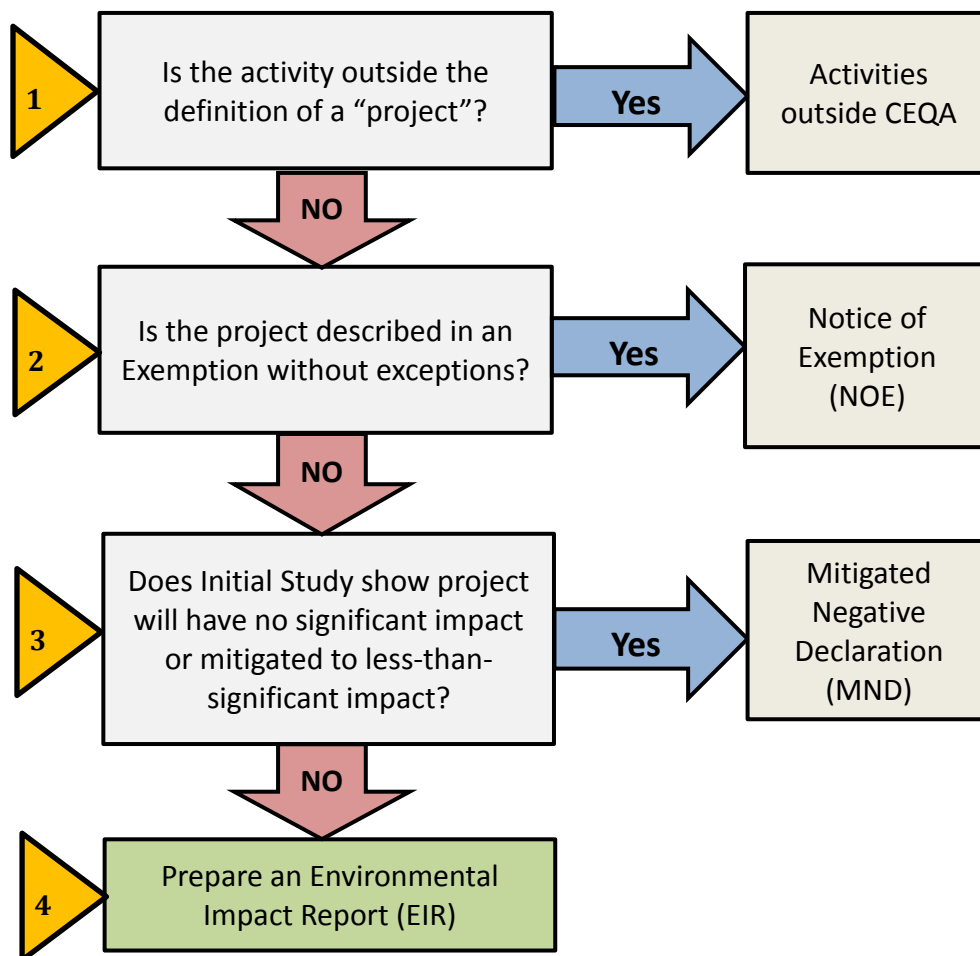


Figure 1. Pathway to Determining the Appropriate Level of CEQA Review

4. HOW DOES CEQA PERTAIN TO DGS ACTIVITIES?

CEQA review is typically required for projects with tenant improvements, construction activities, earth disturbance activities, leases, land acquisitions, support and minor/major

capital outlay funded projects, and other Public Works Board (PWB) actions. PWB requires satisfaction of environmental concerns, in accordance with CEQA, before it will authorize funding for a project.

The CEQA Lead Agency (see below) is the public agency which has the principal responsibility for approving a project and certifying the CEQA document. This is usually our client agencies, because we act as an agent for project delivery. We assist our client agencies with meeting the requirements of CEQA by recommending the appropriate level CEQA document, overseeing CEQA procedures, and guiding the level of analysis. However, our client agencies, as the CEQA Lead Agency, will sign the decision document certifying the environmental information in the CEQA document and approving the project. In the case where DGS has the principal responsibility for approving a project, then we are the Lead Agency.

Because CEQA is state law, DGS is committed to complying with the statutory and public disclosure requirements of the environmental review process. Inadequate compliance with CEQA can result in project delays associated with legal challenges, as well as creating unwanted public relations issues for DGS and our clients.

5. RISK MANAGEMENT

As with any project intake at PMDB, we define the request's purpose and need before developing a solution for a specific identified deficiency. Next, we develop a project scope that is tied to a reasonably foreseeable cost estimate and schedule. This is a requirement for any capital improvement using state funds. While the assigned PDs/PMs allocate budgets for specified project development components, one of which is environmental studies, ESS prepares recommendations to ensure that the environmental aspects are considered adequately.

It is important to memorialize and communicate the known and unknown variables that could influence project schedule and budget. Factors, such as those listed below, may warrant a higher or lower level of care than project cost alone would indicate:

- Political sensitivity
- The characteristic and type of project
- Location of the project and the community it services
- Duration of the project
- Project stakeholders
- The client agency's sensitivity to changes in the project's schedule and cost
- Level of scoping and preliminary planning undertaken in the project's early stage.

As recommended, the Project Team including the PDs/PMs, ESS, Design folks, and other important team members should discuss the assumptions of the project definition and list any environmental risks identified during CEQA project description development at the time.

In the project's preliminary planning stage, there are a number of tools that ESS can use to help identify project environmental risks. These include desktop evaluations, literature research, and the CEQA Checklist. As the project proceeds, ESS who consists of "generalists" will regularly consult with their technical specialist contractors to identify subject-specific risks, and they will primarily ensure environmental risks are reflected in project communications. However, a certain commitment from the Project Team is required for successful project CEQA compliance. The key attributes include an understanding of the scope, looking at the assumptions, identifying the risks, and processing those elements with risk-based responses, which may include adjusting the project description to avoid and minimize potential pitfalls.

While environmental considerations are an important factor during preparation of the project scope, ESS develops the recommendations with an eye toward avoiding, minimizing, and (if needed), mitigating environmental impacts. At the same time, ESS also considers the project scope and recommends reasonable evaluations and decisions in the context of cost, schedule, and risk.

5.1 WHAT IS RISK?

The meaning of the term "risk" in the context of an environmental evaluation is a risk management decision where we are concerned about potential impacts on project objectives. A general definition of "risk" in this context is an uncertainty that matters – it can affect project objectives, including project delivery schedule.

The uncertainty may be about a future event that may or may not happen, and the unknown magnitude of the impact on project objectives if it does happen. Thus, a "risk" is characterized by its probability of occurrence and its uncertain impact on project objectives. In other words, think of risk management as a proactive activity.

5.2 RISK MANAGEMENT APPROACH AND CEQA

Risk management has three important parts: identification, analysis, and action. Before risk can be properly managed, it must first be identified, described, understood, and assessed.

Risk identification involves determining which risks might affect the project and documenting their characteristics. As a show of extremes, two examples of environmental risk statements during the CEQA process can include the following:

- Potential lawsuits may challenge the environmental report, delaying the start of construction or threatening loss of funding.
- Nesting birds, protected from harassment under the Migratory Bird Treaty Act, may delay construction during the nesting season.

Qualitative risk analysis involves prioritizing risks by assessing their probability of occurrence and impact to risk objectives. Risk ratings of high, medium, and low can help prioritize where the greatest effort should be focused in responding to risks. Risk rating uses the probability of occurring and the corresponding impact on project objectives if the risks occur. The first risk statement bulleted above may delay construction schedule by six months, then the risk is considered “high” pursuant to a schedule impact scenario where one month or less is “low”, and one to three months is “medium.” The second risk statement shown above may delay construction schedule by two months and, therefore, it could be considered “medium” using the same rating scenario.

Risk response during the CEQA process of developing strategic options and determining actions to reduce threats to the project’s objectives may include avoidance, transference, mitigation, and acceptance:

1. Avoidance. Risk can be avoided by removing the cause of the risk or executing the project in a different way while still aiming to achieve project objectives. Not all risks can be avoided or eliminated. In some cases, avoidance may be too expensive or time consuming. Nevertheless, avoidance should be the first strategy considered.
2. Transference (i.e., mitigation banking). Transferring risk involves finding another party who is willing to take responsibility for its management, and who will bear the liability of the risk should it occur. The aim is to ensure that the risk is owned and managed by the party best able to deal with it effectively. Risk transfer usually involves payment of a premium, and the cost-effectiveness of this must be considered when deciding whether to adopt a transfer strategy.
3. Mitigation. Risk mitigation reduces the probability and impact of an adverse risk event to an acceptable threshold. Taking an early action to reduce the probability and impact of a risk is often more effective than trying to repair the damage after the risk has occurred. Risk mitigation may require resources or time. Thus, mitigation presents a tradeoff between doing nothing versus the cost of mitigating the risk.
4. Acceptance. This strategy is adopted when it is either impossible or impractical to respond to the risk by other strategies, or a response is not warranted by the importance of the risk. When a project team decides to accept the risk, they are agreeing to address the risk (if and when it occurs). A contingency plan, work-around plan, and contingency reserve may be developed for that eventuality.

Using the same risk statements mentioned above, the risk response for the first bulleted example would be:

Mitigate – Address concerns of stakeholders and public during the environmental process by scheduling additional public outreach; also, prepare the highest level environmental document (i.e., EIR) for the best defensible position.

For the second bulleted statement, the risk response would be:

Mitigate – Schedule contract work to avoid the nesting season or remove nesting habitat before starting work; incorporate the mitigation measure in an appropriate level environmental document (i.e., MND) as a requirement of construction.

5.3 EARLY SITE VISITS CAN REDUCE RISK

Site visits during acquisition and plan phase are an effective risk management step. Not visiting the site creates uncertainties about conditions. These uncertainties are risks. For example, a site visit may reveal the existence of a large wetland that would require costly permitting and mitigation prior to construction of the proposed facility. Early knowledge of this may result in selection of an alternative site for the facility.

While access to all areas of a project site is recommended, it may not always be available. The inability to access a portion of a project site makes it difficult to identify environmentally sensitive areas. The team needs to recognize the uncertainty that arises from the lack of information and provide a risk response to address it. A potential option for addressing the risks from unknown conditions could include executing a task order to determine the information during the phase and revise documents accordingly.

5.4 EXAMPLES OF RISKS TO THE ENVIRONMENTAL PROCESS

Risks to the environmental process can be internal or external. Examples of internal risks include:

- Inadequate resources provided for environmental scoping and any other subsequent project development phases.
- A delay in receiving a complete environmental study request without a corresponding change to the project schedule, shortening the overall time to complete environmental studies.
- A delay in receiving design information necessary for environmental permit applications without a corresponding change to the project schedule, shortening the overall time to complete the permit applications.
- Project scope changes after the project schedule and workload estimates have been developed, without any corresponding changes to the project schedule and/or workload estimates. For example, if the project scope led to the expectation that the project would not result in significant impacts, then the estimated schedule and workload estimates would have been based on that assumption. If the scope changes after the schedule and costs have been developed, and the project will result in significant impacts, then additional resources (time and cost) will be required.

- Changes in project scope or delays in funding after environmental studies are completed requiring additional studies.
- The need for a federal permit for a state-only project. When a project is processed as a state-only project with no federal funding or approval, the project team needs to be informed of potential delays that would occur if a federal permit or approval is later required. The state cannot serve as the NEPA lead agency.

External risks can include:

- A discovered presence of previously unknown sensitive environmental resources.
- A change in the designation or applicability of special-status land use such as a Coastal Zone, Williamson Act lands, or a designated California Scenic Highway.
- Property owners refusing permission to enter and delaying environmental studies.
- Delays in obtaining permits or other regulatory agency approvals.
- Undetected or new public opposition to the project or legal challenges to the environmental document.
- Permit/regulatory conditions with construction work windows requiring an additional construction season and/or mitigation which would require additional funding.
- Inability to secure or delay in completing required project mitigation.
- New or changed environmental laws, regulations, or Executive Orders.
- Hazardous waste remediation.

As mentioned above, once the risk has been identified, the risk is analyzed to prioritize risk response efforts, and then the risk response is processed to developing strategic options and determining actions to reduce threats. Here are some additional examples of responding to environmental risks:

- Remove trees and shrubs outside the nesting season (Avoid).
- Front-loading efforts on those studies and activities that are linked to the greatest risks (Mitigate).
- Regularly attending meetings; if key functions are not present then communicate to the PDs/PMs and the applicable functional unit(s) the critical information needed and/or discovered (Mitigate).

- Provide bat eviction/exclusion and alternative roosting habitat prior to construction (Accept).
- Coordinating early and often with resource and regulatory agencies, including discussing potential impacts and mitigation and future species listings or other regulatory changes (Accept).
- Keeping project files up-to-date and documenting key internal and external communication—especially important when staff members change (Mitigate).
- Communicating any “surprises” or “late discoveries/hits” as soon as they are known (Mitigate).

If any risks are identified for the construction phase, also include the appropriate response action in the contract package to make sure it is communicated to construction staff as well as the project team. Remember risks will need to be monitored and controlled throughout the entire project life cycle. This involves team members tracking the identified risks, identifying new risks, asking if project assumptions are still valid, evaluating risk responses, and determining if contingency reserves of project cost and schedule are adequate. A best practice is the project team reviews the identified risks at the end of each team meeting to identify any updates are needed.

6. KEY CEQA DECISION POINTS

This section identifies and describes the series of important decision and evaluation points that occur during the CEQA process. These key decision points are summarized in the Table below. Complete discussion of these decision points is provided after the table. While CEQA sets forth a series of detailed procedural requirements to ensure that each of the law’s objectives are accomplished (see Appendix A for the CEQA Process Flow Chart), the fundamental premise on which the Act is based is that environmental protection can be achieved through compliance with these rigorous, action-forcing procedures.

Key Decision Point	Description	Risk Level
1. Is the Project Exempt from CEQA?	Some activities are exempt from CEQA. It is important that time and money not be wasted preparing CEQA documents for exempt activities.	Low
2. What is the Circumstance of CEQA and the Design Process?	The CEQA process for Design Build (DB) Projects differs from that for Design Bid Build Projects. It is important that the additional CEQA steps for DB projects be completed.	Medium
3. Who Are the Responsible and Trustee Agencies?	CEQA requires consultation with Responsible and Trustee Agencies prior to determining whether to prepare an Initial Study or EIR.	Medium
4. Is the Project Description Complete?	It is important to pin down the project description as much as possible prior to preparing an Initial Study or EIR. Mid-course changes to the project description can result in costly re-writes of the CEQA document.	High
5. What Happens Following the Results of the Initial Study?	This decision point is where you answer the question, "Do I need to prepare an EIR?" It is important to carefully consider the risks associated with making this decision.	High
6. What Significance Criteria or Impact Thresholds Apply?	It is important to determine whether there are significant impacts of your project that are not captured by the CEQA Checklist significance criteria.	Medium
7. Does State Sovereignty Affect the CEQA Analysis?	Where the State is acting within its capacity, it is not subject to local land-use regulations, local adopted land use plans, policies, and regulations. Therefore, some of the CEQA Checklist impact thresholds may not apply to your project.	High
8. How Should Impact Evaluations Be Presented and Structured?	Due to a relatively recent court decision, caution is needed when trying to develop a "self-mitigating" project.	Medium
9. What Are the Impact Determinations?	It is important that any potentially significant impact is disclosed in the draft CEQA document prior to public review so that the document does not need to be revised and recirculated.	High
10. What Mitigation Measures Apply?	It is important to develop mitigation measures that meet specific requirements so that the CEQA document does not need to be revised and recirculated for public review.	High

Key Decision Point	Description	Risk Level
11. For an EIR – What Are the Alternatives?	During this decision point, it is critical that an obvious alternative to the proposed project be included in the Draft EIR and that the alternatives development and screening process is adequately described.	High
12. What Degree of Public Outreach is Necessary?	Public outreach is not optional for IS/MNDs and EIRs. Failure to make a good faith effort at public outreach (aside from the procedural requirements to do so) can, and often does, result in legal trouble	High
13. How Is the EIR Certification Process and Findings Handled?	It is critical that the procedures outlined in CEQA are followed. Procedural errors, if prejudicial, can lead to an overturned decision in court.	High
14. What Needs to Be Included in the Administrative Record?	The importance of effectively maintaining the administrative record cannot be overemphasized. The penalty for a poorly organized or incomplete administrative record can be a judgment against the agency, resulting in a reversal of project approvals.	High

6.1 KEY DECISION 1: IS THE PROJECT EXEMPT FROM CEQA?

If the proposed activity is a “project” subject to CEQA review, the next step is to determine whether the project is *exempt* from CEQA. If the project is exempt from CEQA, the CEQA process does not need to proceed any farther.

There are three types of CEQA exemptions:

1. General Exemptions (also known as “common sense exemptions”): Where it can be seen *with certainty* that there is *no possibility* that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
2. Statutory Exemptions: The State Legislature has exempted certain activities from CEQA through a list of *very specific* “statutory exemptions.” To determine whether a project falls under a statutory exemption, the best approach is to review the current list of exemptions in Article 18 of the CEQA Guidelines (Section 15260). Because of the specificity of statutory exemptions, projects rarely meet the criteria of Statutory Exemptions.
3. Categorical Exemptions: Article 19 of the CEQA Guidelines contains a list of classes of projects which have been determined by the Secretary for Natural Resources not to

have a significant effect on the environment and which are exempt from CEQA. It is important to note that *there are exceptions to these Categorical Exemptions* (see CEQA Guidelines Section 15300.2 (see Appendix B of this manual). It is important to carefully review the exceptions to using Categorical Exemptions, because they often apply to projects. These exceptions pertain to the location of the project, whether the project would have significant impacts (including to scenic resources and historical resources), and whether the project is located on a hazardous waste site.

When DGS determines that the project is exempt from CEQA, we file a Notice of Exemption (NOE) with the State Clearinghouse. DGS policy requires that an NOE be filed for any project determined to be exempt from CEQA. Once an NOE is filed, the statute of limitations for legal challenge is 35 days. Activities brought to the Public Works Board (PWB) for approval requires that the CEQA legal challenge period exhausted prior to its meeting.

A NOE includes the following information:

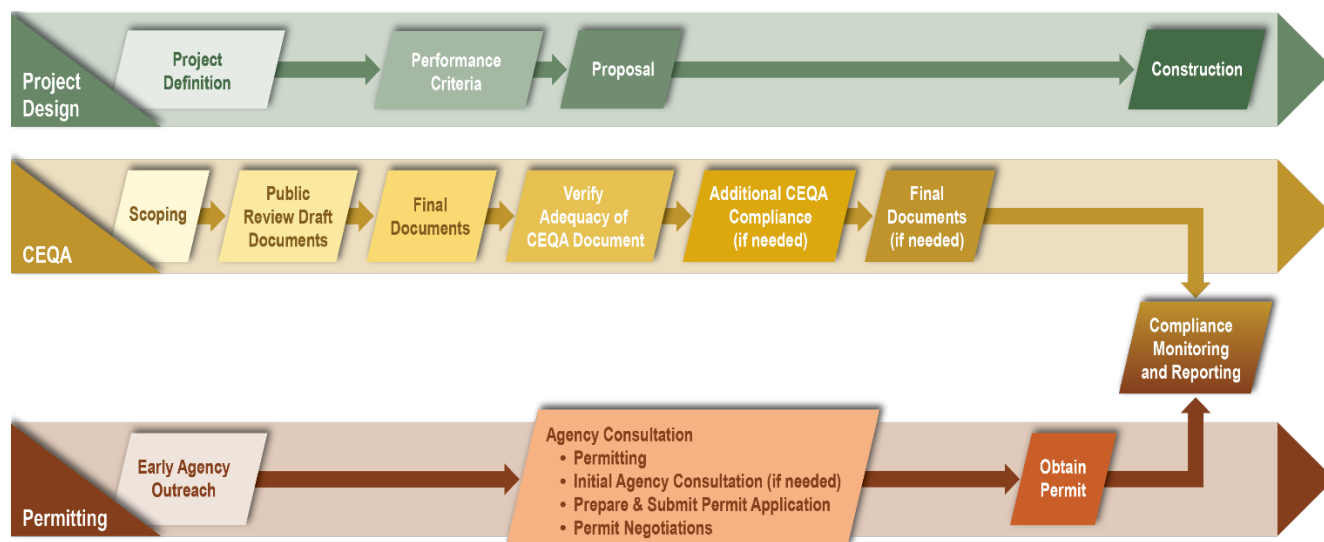
1. A brief description of the project;
2. The location of the project;
3. A finding that the project is exempt from CEQA, including a citation to the CEQA Guidelines section or statute under which it is found to be exempt;
4. A brief statement of reasons to support the finding; and
5. A name and phone number for contact.

Risks Associated with This Key Decision

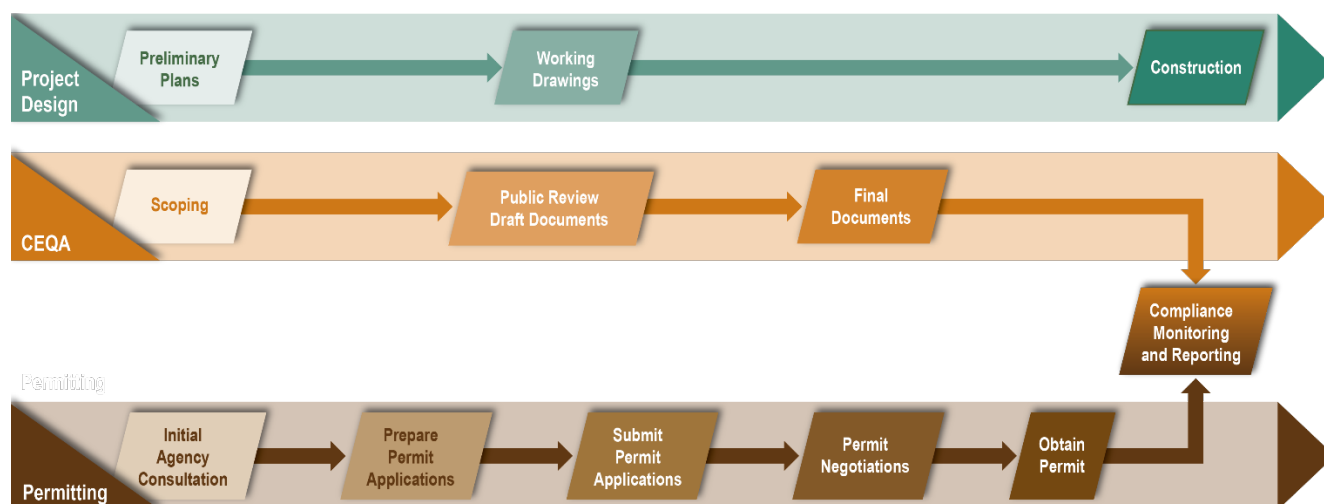
While filing a NOE is optional under CEQA, DGS policy requires that an NOE be filed for any project determined to be exempt from CEQA. Filing a NOE reduces the risk of a legal challenge to the exemption decision. Once an NOE is filed, the statute of limitations for legal challenge is 35 days; in instances where no NOE is filed, a 180-day statute of limitations applies. Hence, *filing a NOE reduces the risk of legal challenge because it shortens the statute of limitations for such a challenge.*

6.2 KEY DECISION 2: WHAT IS THE CIRCUMSTANCE OF CEQA AND THE PROJECT DESIGN PROCESS?

The project design process affects the CEQA (and permitting) process. Design Bid Build (DBB) projects involve a relatively simpler CEQA process than Design Build (DB) projects. This difference is shown in the figure below.



Design Build Flow Chart



Design Bid Build Flow Chart

Figure 2. How the Project Design Process Integrates with the CEQA and Permitting Process.

Note that CEQA process for DB projects has a few additional steps and may require the preparation of a follow-up CEQA document once the detailed design is known.

Risks Associated with This Key Decision

The primary risk associated with this key decision pertains to DB projects. It is important to remember that once the initial CEQA document is finalized for DB projects, the adequacy of the CEQA document must be assessed upon receipt of the detailed design. The focus of this

assessment should be on whether the additional information provided in the detailed design reveals significant environmental effects that were not disclosed in the finalized CEQA document. If so, then additional CEQA compliance will be required. Examples of additional CEQA compliance include a follow-up Supplemental Initial Study/MND or a Supplemental EIR. If the changes are minor, a simple addendum can be prepared.

6.3 KEY DECISION 3: WHO ARE THE RESPONSIBLE AND TRUSTEE AGENCIES?

A Responsible Agency is any public agency (including a federal agency) other than us which has discretionary approval power over a project (i.e., permitting). A Responsible Agency that is a state or local agency complies with CEQA by considering the CEQA document prepared by us and by reaching its own conclusion on whether and how to approve the project. Federal agencies do not comply with CEQA, rather they follow under NEPA, a functionally equivalent, federal version of CEQA.

A Trustee Agency is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. Trustee Agencies serve a similar role as Responsible Agencies under CEQA. There are four Trustee Agencies in California:

1. California Department of Fish and Wildlife (for fish and wildlife of the state)
2. State Lands Commission (for state owned sovereign lands, such as beds of navigable waters and state school lands)
3. California Department of Parks and Recreation (for units of the State Park System)
4. The University of California.

DGS encourages client agencies to consult with Responsible and Trustee Agencies as early as possible in the environmental review process to ensure that their concerns are addressed thoroughly and to avoid delays in project implementation.

Risks Associated with This Key Decision

Identifying all the Responsible and Trustee Agencies at the onset of preparing an Initial Study or EIR is very important. As soon as it is determined that an Initial Study will be required for a project, the Lead Agency *must* consult with all of these agencies to obtain their recommendations for appropriate level of environmental review/document.

Additionally, failure to consult properly with Responsible and Trustee Agencies can result in unexpected negative input from such agencies when the IS/MND or EIR is circulated for public review. Sufficient consultation with Responsible and Trustee Agencies at the beginning of the Initial Study or EIR process will reduce the chances of inadvertently missing a potentially significant impact of the proposed project, only to find out about the impact during the public review of the draft document. Failure to disclose a potentially significant impact in an IS/MND or Draft EIR will require the Lead Agency to revise and circulate the

document for another round of public review. This inevitably results in a delayed schedule and extra costs.

6.4 KEY DECISION 4: IS THE PROJECT DESCRIPTION COMPLETE?

A complete project description is crucial for an environmental analysis. The project description should be comprehensive and include the following:

1. Location of information and site boundaries;
2. Statement of underlying need for the project and project objectives;
3. Project characteristics such as proposed buildings and activities, buildout assumptions, site plan, supporting infrastructure, and public services requirements; and
4. Permits and approvals needed.

The project should be described at a level of detail needed to identify potentially significant impacts to the environment. It is important to note that the project description serves as the basis for the environmental analysis of all resource topics contained in an IS/MND or EIR (see table below). As such, the project description should include sufficient information to allow a meaningful evaluation of impacts that result from implementation of the project.

Resource Topics in an IS/MND or EIR	
Aesthetics	Land Use/Planning
Agriculture & Forestry Resources	Mineral Resources
Air Quality	Noise
Biological Resources	Population & Housing
Cultural Resources	Public Services
Geology/Soils	Recreation
Greenhouse Gas Emissions	Transportation/Traffic
Hazards & Hazardous Materials	Tribal Cultural Resources
Hydrology/Water Quality	Utilities/Service Systems
	Mandatory Findings of Significance

Under CEQA, the “project” applies to the “whole of the action.” As the term was defined above, the evaluation must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Risks Associated with this Decision

There are two primary risks associated with this key decision:

1. Mid-course Changes to the Project Description. Risks to budget and schedule can be substantially reduced by ensuring that a comprehensive project description has been prepared *prior to* writing the Initial Study. Changing the project description while the Initial Study is being prepared can require costly rewrites of the Initial Study.
2. Piece-mealing. As mentioned above, the project includes the whole of the action. The notion of splitting up a larger project into smaller, more “bite-sized,” projects is commonly referred to as “piece-mealing” or “segmentation.” In general, piece-mealing is not allowed in CEQA because it can prevent full disclosure of environmental impacts. However, it should be pointed out that project components that are remote or speculative do not need to be evaluated in CEQA. Speculation is not done in CEQA, even when it comes to potential later phases of a proposed project.

6.5 KEY DECISION POINT 5: WHAT HAPPENS FOLLOWING THE RESULTS OF THE INITIAL STUDY?

The Initial Study process consists of four steps: (1) complete the “CEQA Checklist” (i.e., see Appendix C of this manual); (2) consult with Responsible and Trustee Agencies; (3) consult with Tribal Organizations (if requested); and (4) make a decision about whether to prepare a Negative Declaration (ND) or Mitigated Negative Declaration (MND), or prepare an EIR.

In most situations encountered by DGS, when an Initial Study is prepared for a proposed project, there are three possible outcomes:

1. the project would not result in any significant impacts to the environment and a Negative Declaration can be prepared;
2. the project would result in one or more significant impacts to the environment, but all of these impacts would be reduced to a less-than-significant level with implementation of mitigation measure(s); therefore, a Mitigated Negative Declaration can be prepared; or
3. the project may have a significant impact on the environment (even with mitigation) and an EIR is required.

One of the most commonly asked questions is, “Do I need to prepare an EIR for my project?” Answering this question can be simple in some cases and more challenging in others. At the heart of this decision is a concept known as the “Fair Argument Standard.”

According to the Fair Argument Standard, an EIR must be prepared if it can be:

- fairly argued,

- based on substantial evidence,
- in light of the whole record,
- that a project may have a significant environmental impact (even with mitigation).

A fair argument may be raised by anyone in the public or by a public agency. If a fair argument is disclosed, regardless of who discloses it, the Lead Agency must prepare an EIR. If there is disagreement among experts about the significance of an impact, and this disagreement is based on substantial evidence (discussed below), an EIR must be prepared.

The term “substantial evidence” includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.

The “whole of the record” is the administrative record (discussed below).

Risks Associated with This Key Decision

In an Initial Study, the Fair Argument Standard plays a critical role in making impact determinations. If a fair argument is raised about the significance of an impact in an Initial Study (even with the implementation of mitigation), an EIR must be prepared.

Risks associated with running afoul of the Fair Argument Standard can be reduced via a proper understanding of controversy regarding the proposed project. The existence of public controversy about the project does *not* require preparation of an EIR. However, if a project is controversial, there is a greater likelihood of someone raising a fair argument, particularly for significance thresholds that are more subjective in nature (see below).

The Fair Argument Standard sets a low bar for crossing the threshold into an EIR. Consequently, when there is a gray line between an impact being significant or less than significant, the Lead Agency may decide it prudent to prepare an EIR for the project. While some CEQA significance thresholds are relatively quantitative and objective (e.g., air quality emissions), thresholds for certain resource impacts are somewhat subjective. These latter thresholds may be used by project opponents to challenge a CEQA finding in court. A quick perusal of the CEQA checklist will uncover quite a few thresholds that ask whether the project would have a “substantial effect” on a given resource. In many of these instances, there is not an established standard for quantifying “substantial effect.” Hence, the threshold is a gray area that may be subject to different interpretations. Consequently, if the Lead Agency is aware of public controversy over a project under CEQA review, and some of the controversy pertains to “gray area” thresholds, the Lead Agency may choose to prepare an EIR rather than risk a legal challenge and the potential delay to the project schedule.

When deciding between preparing an IS/MND Study or an EIR, there are cost and schedule implications that should be taken into consideration. Depending on the complexity of the project, preparing an EIR can be ten times (or more) expensive than preparing an IS/MND. In addition, the EIR process can take a few years to complete, as compared to the IS/ND or IS/MND process, which can be completed in a matter of 9-11 months (under the best conditions). The table below shows the typical steps and duration for preparing and finalizing environmental documents (note that duration is in calendar days). While the duration of some of these steps are defined by statute (highlighted in yellow), there are steps where durations can be compressed under best conditions (highlighted in green).

Table 1. Typical Schedule for Preparing and Certifying IS/MND or EIR (calendar days)

Tasks	MND Duration (Days)	EIR Duration (Days)
CEQA Kick-off Meeting	1	1
Data needs request	30-45	30-45
Project Team prepares CEQA Project Description	21-30	30-45
Project Team reviews Admin Project Description	3-7	5-10
Prepare and circulate Notice of Preparation	Not Required	3-7
Scoping and Meeting (<i>statute duration</i>)	Not Required	30
Prepare Admin Draft IS/MND or EIR	90-120	90-180
Project Team reviews Admin Draft IS/MND or EIR	14-21	21-30
Incorporate Project Team comments and prepare NOI or NOC	5-10	10-14
Project Team print check review of Draft IS/MND or EIR and notices	3-7	5-10
Circulate Draft IS/MND or EIR and notices	3-5	5-7
Public Review Draft IS/MND or EIR (i.e., public meeting for EIR) (<i>statute duration</i>)	30	45
Prepare responses to comments (including Commenting Public Agency 10-day Review)	14-21	21-30
Project Team review responses and Admin Final IS/MND or EIR	7-14	10-21
Incorporate Project Team comments	3-7	5-14
Project Team print check Final IS/MND or EIR	3-5	5-7
Post/mail Final IS/MND or EIR	3-7	5-10
State approves Final IS/MND or EIR	1-3	1-5
State signs NOD and file with OPR Final IS/MND or EIR	1-5	1-14
30-day challenge period (<i>statute duration</i>)	30	30
Total (approximate)	262-368	353-555

Deciding to prepare an IS/MND instead of an EIR brings its own risks, too. Preparing an IS/MND, followed by the filing of a NOD, when a fair argument exists that the project (even with implementation of proposed mitigation in the MND) will have a significant impact on the environment raises the prospect that the MND will be legally challenged during the 30-day statute of limitations period. Assuming that the legal challenge is based on substantial evidence, the MND is very likely to be overturned in court. The associated costs and schedule delays of a legal challenge can be substantial.

The easiest way to avoid the “battle of the experts,” a battle that (for MNDs) the Lead Agency usually loses in court (provided the plaintiff’s experts are backed up with substantial evidence), is to simply decide to prepare an EIR from the outset. In contrast to an ND or MND, experts can disagree on the analyses in an EIR, and the Lead Agency will usually come out on top (provided that the agency’s conclusions are backed up with substantial evidence).

When the significance of a particular impact falls within the “gray area” associated with certain CEQA Checklist questions, and the project is controversial, a middle ground decision may involve one of the following two approaches:

1. Prepare an IS/MND, circulate it for public review, and consider the comments received on the document. If a fair argument is raised in the comments, the Lead Agency can decide to prepare a “focused” EIR. The scope of a focused EIR is limited solely to those environmental resources for which there is a fair argument that a significant impact may occur. Resources not significantly affected are dismissed from evaluation in the EIR, and the EIR refers the reader to an appendix in the document that contains the Initial Study supporting the finding that any impacts to these resources will be less-than-significant. The benefits of this approach are that the time spent on preparing the IS/MND was not lost; in fact, the IS/MND allowed for a scaled-back version of the EIR. The risks associated with this approach is that the Lead Agency may receive public backlash for “attempting to get by” with an inadequate CEQA approach.
2. The second, and more conservative approach, is to prepare the Initial Study with the sole intent on focusing the EIR. Under this approach, the Initial Study is circulated for public review at the time of issuance of the NOP of the Draft EIR. This approach removes the risk of a public backlash for a perceived attempt to evade preparation of an EIR.

Ultimately, the decision to prepare an IS/MND or an EIR will be made after consideration of respective costs, schedules, and public/agency relations risks associated with the two paths of CEQA compliance. The Project Team is encouraged to discuss potential options for CEQA compliance with senior management, counsel, and CEQA consultant.

6.6 KEY DECISION POINT 6: WHAT SIGNIFICANCE CRITERIA OR IMPACT THRESHOLDS APPLY TO THE PROJECT?

Significance criteria (or impact thresholds) are qualitative or quantitative measures by which the significance of an impact are determined. DGS typically uses the criteria listed in Appendix G of the CEQA Guidelines (commonly referred to as the “CEQA Checklist”). A copy of the CEQA Checklist is included in Appendix C of this manual. When completing the CEQA Checklist, simply checking boxes is not enough. The Initial Study or EIR must present factual data or evidence used to reach conclusions regarding significance. Significance conclusions identified without substantial supporting evidence are referred to as being *conclusory*. A conclusory impact determination will not hold up in court.

While perusing the questions in CEQA Checklist, note that many are subjective in nature. For example, you will see that one of the significance thresholds for aesthetic impacts is determined on the basis of whether the project would “substantially degrade the existing visual character or quality of the site and its surroundings.” The terms “substantially,” “degrade,” “character,” and “quality” are all subject to an individual’s interpretation. The line between a significant and less-than-significant aesthetic impact is gray and very subjective. As discussed earlier, relatively subjective significance thresholds make it easier for someone to make a fair argument that a project would have a significant impact on the environment.

While there are other factors to consider that may determine whether an EIR is needed for a project, it is important to note that the CEQA Checklist may not address all potential impacts for a particular project. This caveat is noted at the beginning of the checklist:

The following is a sample form and may be tailored to satisfy individual agencies’ needs and project circumstances. It may be used to meet the requirements for an Initial Study when the criteria set forth in the CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.”

Risks Associated with This Key Decision

The primary risk associated with this key decision is missing a potentially significant effect of the project because the effect is not captured by the questions in the CEQA Checklist. Therefore, CEQA practitioners should carefully consider any unique aspects of a particular project that may result in significant impacts to the environment that are not reflected in the checklist.

6.7 KEY DECISION 7: DOES STATE SOVEREIGNTY AFFECT THE CEQA ANALYSIS?

Some of the significance thresholds in the CEQA Checklist relate to compliance with local regulations or plans. Based on the Supremacy Clause, local governments are not authorized to apply local zoning restrictions to state agencies. As a general rule, whenever the state government is conducting a sovereign activity (including construction and maintenance of its buildings), the State is not subject to local building and zoning regulations unless the State legislature consents to such regulation.

Local land control may apply when State property is being developed for non-governmental, revenue-generating purposes, unless the State legislature gives its consent.

Whether State-owned land that is leased to a private party for private development would be subject to local building and zoning regulations depends on the purpose of the private development. If the lease furthers State purposes (other than merely raise revenue), the private development would be exempt from local building and zoning regulations. If the private development is solely for the developer's private purposes, local building and zoning ordinances would apply. The well-recognized distinction between governmental and proprietary activity limits the immunity to the situation where the State is operating in a governmental capacity.

Risks Associated with This Key Decision

Where the State is acting within its capacity, it is not subject to local land-use regulations, local adopted land use plans, policies, and regulations. However, under a "good neighbor" policy, we should make every effort to cooperate with appropriate city and county officials so that development efforts of the State, city, and county may be integrated and may proceed without friction. Creating unnecessary conflict with local agencies can result in schedule delays and, therefore, increased costs.

6.8 KEY DECISION POINT 8: HOW SHOULD IMPACT EVALUATIONS BE PRESENTED AND STRUCTURED?

Prior to a 2014 CEQA court case (*Lotus v. Department of Transportation*), Lead Agencies often built mitigation into the project description itself. In so doing, the project would "self-mitigate," resulting in CEQA impact evaluations that made less-than-significant impact conclusions (rather than significant impact determinations requiring the implementation of mitigation measures). These "built-in" measures were typically described in the project description as "environmental commitments" or "best management practices (BMPs)." The 2014 court ruling essentially found this approach to be in violation of CEQA.

The various legal interpretations of the *Lotus* decision will not be examined in this manual. Instead, we highlight two potential approaches to structuring impact evaluations as a result of *Lotus*:

1. Do not include BMPs or environmental commitments into the project description. Instead, identify the significant impact of the proposed project and propose one or more mitigation measures (some, or all, of which would have been BMPs or environmental commitments) to reduce the impact to a less-than-significant level.
2. Include BMPs or environmental commitments into the project description, but in the impact analysis, first evaluate the significance of impacts as if there were no BMPs or environmental commitments. Then, explain how the BMPs or environmental commitments would reduce the impact to a less-than-significant level.

Either of these methods will help to ensure consistency with the *Lotus* decision.

Risks Associated with This Key Decision Point

To avoid the risk of being inconsistent with the *Lotus* decision, the CEQA practitioner is urged to use one of the two methods described above for presenting and structuring impact evaluations.

6.9 KEY DECISION POINT 9: WHAT ARE THE IMPACT DETERMINATIONS?

In both an Initial Study and EIR, for each significance criterion in the CEQA Checklist, a conclusion is made regarding the respective effect(s) of the proposed project on that particular aspect of the environment. In general, one of the following impact conclusions would be made:

1. No impact
2. Less-than-significant impact
3. Less-than-significant impact with implementation of mitigation measure(s)
4. Significant and unavoidable impact

Under CEQA, an impact that is deemed less than significant does not require mitigation. For impacts that are determined to be significant, mitigation (if feasible) must be proposed to reduce the impact, ideally to a less-than-significant level. Mitigation is discussed below. If there is no feasible way to reduce the impact to a less-than-significant level, the impact is considered significant and unavoidable.

Risks Associated with This Key Decision

The chief risk associated with this key decision is the mischaracterization of the significance of an impact in the IS/MND or Draft EIR. If a potentially significant impact in an IS/MND or

EIR is erroneously characterized as being less than significant, the IS/MND or EIR will need to be corrected and recirculated for public review. Recirculation of a CEQA document inevitably results in schedule delays and additional costs.

6.10 KEY DECISION POINT 10: WHAT MITIGATION MEASURES APPLY?

Mitigation, if feasible, is required in CEQA for impacts identified as being significant. The types of actions that constitute mitigation under CEQA include:

1. Avoiding the impact altogether (i.e., project redesign or reconfiguration);
2. Minimizing impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and/or conservation; and,
5. Compensating for the impact by replacing or providing substitute resources or environments.

According to the CEQA Guidelines and numerous court cases, mitigation measures must be feasible, practical, specific, enforceable, effective, and roughly proportional to the project impacts. These are all important requirements of mitigation measures.

Mitigation cannot be *deferred* in the IS/MND or EIR. Examples of deferred mitigation include the following:

1. A study will be done...
2. A survey will be conducted to determine whether suitable habitat exists...
3. A mitigation plan will be developed...
4. Impacts will be studied during implementation of the project...

The simple reason that deferred mitigation is not allowed in CEQA is that such measures do not disclose the impacts in the CEQA document. With deferred mitigation, the nature of the impact is understood *after* the CEQA process is complete.

The effectiveness of mitigation is monitored during and after construction of a project. When an EIR is prepared for a project, a mitigation monitoring or reporting program (MMRP) must be adopted by the Lead Agency at the time of final project approval. For a project based on a MND, the MMRP must be adopted when the Notice of Determination is adopted.

The purpose of the MMRP is to ensure that feasible mitigation measures will actually be implemented, and not merely adopted and then neglected or disregarded.

Risks Associated with This Key Decision

The chief risks associated with mitigation are:

1. Proposing mitigation measures that do not meet all five requirements of mitigation (i.e., feasibility, practicality, specificity, enforceability, and proportionality). When this occurs, the mitigation will need to be revised in the IS/MND or EIR and recirculated for public review.
2. Deferring mitigation, which can result in a successful legal challenge of the IS/MND or EIR.

It is important to carefully assess the mitigation measures proposed in the IS/MND or Draft EIR to ensure that they avoid these risks.

6.11 KEY DECISION POINT 11: FOR AN EIR - WHAT ARE THE PROJECT ALTERNATIVES?

Development and evaluation of project alternatives, including the No Project, is required in an EIR (but not in an IS/MND). Specifically, CEQA requires that an EIR describe and evaluate a “range of reasonable” alternatives to the project which would “feasibly” attain most of the basic objectives of the project, but would avoid or substantially lessen one or more of the significant effects of the project. Discussion of this evaluation shows the comparative merits of the alternatives with respect to the proposed project.

Note that an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. To be eligible for further evaluation in an EIR, the Lead Agency need not verify that an alternative is feasible – only that an alternative is *potentially* feasible.

When developing alternatives for evaluation in an EIR, the project team should not be restrained by concepts and feasibility or ability to lessen one or more significant impacts of the proposed project. Rather, the process should begin in a manner akin to brainstorming, where any possible alternative is added to a list of potential candidates for evaluation in the EIR. The goal at first should be to toss out ideas, regardless of cost, technical feasibility, location, etc. The “weeding out” of “duds” occurs in the alternatives screening phase.

Once the project team believes that it has developed a wide array of potential alternatives to the proposed project, the next step is to screen the alternatives. The goals of alternatives screening is to eliminate alternatives that do not meet the minimum requirements of alternatives under CEQA.

To be evaluated further in an EIR, the project alternatives must meet all three of the following criteria:

1. Meets most, if not all, of the basic project objectives;
2. Is potentially feasible; and
3. Substantially lessens at least one significant impact of the proposed project.

If an alternative does not meet all three of these criteria, it should be eliminated from further consideration in the EIR. Those alternatives that “survive” this first round of screening can be advanced to a second round of screening (if necessary).

If a second round of screening is needed to further winnow down a reasonable range of alternatives, alternatives can be assigned ranks on how well they perform against a variety of criteria. Examples of such criteria include the following:

- Compatibility with existing/planned uses for adjacent land;
- Access to utilities;
- Site suitability;
- Biological resources constraints;
- Cultural resources constraints;
- On-site environmental contamination;
- Vulnerability to flooding and sea level rise

Note that these are just examples of potential screening criteria that can be used to rank alternatives. The ultimate goal is to end up with a reasonable range of potentially feasible alternatives for further evaluation in the EIR.

The reader might ask, “What represents a reasonable range of alternatives?” Unfortunately, there is no ironclad answer to this question. According to the CEQA Guidelines, the EIR need only evaluate enough alternatives to permit a “reasoned” choice. Such guidance provides little help to the CEQA practitioner. Numerous court cases have ruled on this issue, and the guidance from some of these cases is equally confusing. A good rule of thumb regarding this issue is that there should be at least three alternatives (including the No Project), and no obvious project alternative (e.g., another site location) should be excluded unless it fails to meet the three basic requirements of a viable alternative.

The No Project alternative also must be evaluated in the EIR. This evaluation includes consideration and discussion of impacts of the No Project. The purpose of describing and analyzing the No Project alternative is to allow decision makers compare the impacts of approving the project with the impacts of not approving the project.

It is important to note that the No Project alternative does not necessarily mean “do nothing.” The No Project alternative represents the existing conditions at the time the NOP is published as well as what would be reasonably expected to occur in the foreseeable future if the project

was not approved. In some cases, if a project is not approved, some other action (or series of actions) – i.e., a “Plan B” – would occur. Provided that these other actions are not speculative in nature, they should be included as part of the No Project alternative.

The EIR must also identify an environmentally superior alternative among the alternatives. If the No Project is the environmentally superior alternative, then the EIR also must identify an environmentally superior alternative from among the other alternatives. When none of the alternatives is clearly environmentally superior to the proposed project, it should be sufficient for the EIR to explain the environmental advantages and disadvantages of each alternative in comparison with the proposed project.

Risks Associated with This Key Decision

There are two primary risks associated with deciding which alternatives to evaluate further in the EIR:

1. Omitting an obvious alternative (e.g., alternative site location)
2. Failing to adequately document the alternatives development and screening process.

The best way to avoid the omission of an obvious alternative in the EIR is to have effective outreach with the public, organizations, and agencies from the onset of the IS/MND or EIR process. One of the main purposes of scoping at the beginning of the EIR process is to solicit input on potential alternatives to the proposed project. Public outreach is discussed in more detail below.

Documenting the alternatives screening process is very important. The EIR should describe the rationale for selecting the alternatives considered for potential evaluation in the EIR. This is often accomplished by the preparation of an alternatives screening report which can be included as an appendix to the EIR. The EIR should also identify any alternatives that were considered by the project team but rejected as infeasible; the reasons underlying these determinations also need to be described. The EIR should also identify any alternatives that were rejected because they did not substantially lessen at least one significant impact of the proposed project.

6.12 KEY DECISION 12: WHAT DEGREE OF PUBLIC OUTREACH IS NECESSARY?

One of CEQA’s based purposes is to inform the public about the potential significant environmental effects of proposed projects and to disclose to the public the reasons for approval of a project that may have significant environmental impacts. The level of public outreach required by CEQA differs according to the type of CEQA document prepared (i.e., a Notice of Exemption, a Negative Declaration (or Mitigated Negative Declaration), or an EIR).

For projects in which a Notice of Exemption is prepared, the agency may file the notice with the State Clearinghouse after the project is approved. Filing of the notice triggers a 35-day statute of limitations on challenges to the agency's exemption decision.

During the IS/MND process, public involvement occurs upon release of the document for a 30-day review period. During the review period, the agency is required to take comments from the public and "consider" these comments prior to approving the project. Scoping meetings are not required.

For EIRs, public involvement is more extensive and occurs at the following times in the EIR preparation process:

1. Notice of Preparation and Scoping Meeting. Immediately after deciding that an EIR is required for a project, the Lead Agency must prepare and distribute a Notice of Preparation (NOP). The NOP includes the basic information about the project and its probable environmental effects. The NOP is distributed to the State Clearinghouse and to Responsible Agencies. The Lead Agency also must send a copy of the Notice of Preparation to any person who has filed a request for notices with the clerk of the Lead Agency's governing body, with the director of the agency if there is no governing body, or with the person designated by the governing body to receive such requests. The NOP is circulated for 30 days, and the public and agencies are requested to provide comments on the scope of issues to be addressed in the EIR. Thus, this task is sometimes referred to as scoping. At least one scoping meeting is conducted within the scoping period. The meeting must occur in the city or county within which the project would be located. The NOP must indicate the location(s) and time(s) of the scoping meeting(s). When no response is received on the NOP, the Project Team may assume that the respective person or agency has a response, and the Project Team may continue to work on the environmental analysis for the Draft EIR. The State Clearinghouse will issue a state identification number for the project, and this number must be used for all subsequent environmental documents for the project.
2. Draft EIR. When the Draft EIR is released for public review, it is required to be circulated for a minimum of 45 days. In some instances, this period may be extended at the request of agencies or by members of the public. A morning posting of the Draft EIR at the State Clearinghouse marks the beginning date of the review period; an afternoon posting starts the following day. A public notice (i.e., Notice of Availability) is provided to the State Clearinghouse about the availability of the Draft EIR. Other noticing practiced by DGS includes publication in a newspaper circulated in the area affected by the project, direct mailings to owners of contiguous properties, interested agencies, organizations, and individuals, and posting in the office of the County Clerk in which the project would be located.

To provide sufficient opportunity for public participation, DGS recommends holding a public meeting on the Draft EIR. The Lead Agency must prepare written responses

to all comments received during the review period and provide these responses in the Final EIR. The response may take the form of a revision of the Draft EIR text or a separate section of responses in the Final EIR. In practice, DGS includes a section in the Final EIR containing written responses to comments and, if applicable, a section containing pages of the Draft EIR with underline/strike-outs showing revisions to the Draft EIR.

Risks Associated with This Key Decision

Public outreach is not optional for IS/MNDs and EIRs. Failure to make a good faith effort at public outreach (aside from the procedural requirements to do so) can, and often does, result in legal trouble. Also, effective early outreach (e.g., via scoping) can prevent “surprises” when the IS/MND or Draft EIR is released for public review and comment.

6.13 KEY DECISION 13: HOW IS THE EIR CERTIFICATION PROCESS & FINDINGS HANDLED?

Before approving a project, the Lead Agency must prepare a Final EIR. The Final EIR is the document decision-makers in the Lead and Responsible Agencies consider before taking action on the proposed project. Completion and certification of the Final EIR precede the Lead Agency’s determination of whether to approve or carry out the project, and before its adoption of Findings.

The Final EIR does not contain the findings that the Lead Agency is required to make concerning the feasibility of avoiding or reducing significant environmental effects or the Statement of Overriding Considerations (see below). The findings and statement of overriding considerations (if applicable) are made after the Lead Agency’s decision-makers have considered the Final EIR.

After completing the Final EIR and before approving the project, the Lead Agency must make the following three certifications to adopt the EIR before project approval:

1. That the Final EIR has been completed in compliance with CEQA;
2. That the EIR reflects the Lead Agency’s independent judgement and analysis; and
3. That the decision-making body of the Lead Agency reviewed and considered the information in the Final EIR before approving the project.

These three certifications are typically included in the agency’s resolution approving the project or in a separate findings document.

After certifying the Final EIR, and in conjunction with making findings, the Lead Agency must decide whether to approve or to carry out the project and how to do so. The agency may not approve a project for which an EIR was prepared unless either

- The project will not have a significant effect on the environment; or
- The agency has adopted Findings that all significant environmental effects have been eliminated or reduced substantially and that any remaining effects found to be unavoidable are acceptable on the basis of overriding concerns.

When the EIR identifies significant environmental impacts from the project, the Lead Agency must make specific findings for each impact (i.e., that changes required in the project will avoid or substantially lessen impacts, that impacts are within the jurisdiction of another agency, or that specific economic or social conditions render identified mitigation measures or project alternatives infeasible):

- If the agency finds that no environmental impacts described in the EIR are significant, it need not make findings on feasibility of mitigation measures or project alternatives. The agency must make findings concerning mitigation measures or project alternatives for each of the project's significant environmental impacts.
- To support a finding that the project's significant environmental impacts will be mitigated, measures adopted must avoid or substantially reduce impacts. The agency's basis for adopting a given mitigation measure should be clear from the administrative record.
- The agency may not reject a mitigation measure recommended in the EIR unless it provides comparable mitigation through another measure or finds that it would be infeasible to implement the measure on the basis of "specific economic, social or other considerations."
- The Lead Agency may make a finding that a mitigation measure is within the responsibility and jurisdiction of another public agency, but it can make this finding only if the agency making the finding does not have concurrent jurisdiction to impose the measure.
- The agency must make findings concerning recommended project alternatives unless it finds that all of the project's significant environmental impacts will be avoided or substantially lessened by mitigation measures.
- The agency may reject mitigation measures or project alternatives if it finds them infeasible on the basis of specific economic, social, or other considerations. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors.

Sometimes, the benefits of a project are so great, the Lead Agency may wish to approve the project despite its significant environmental impacts. CEQA provides a mechanism by which

the Lead Agency can do this: a Statement of Overriding Considerations. CEQA requires the Lead Agency to balance, as applicable, the economic, legal, social, technological, or other benefits (including region-wide or statewide environmental benefits) of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the environmental impacts may be considered “acceptable.”

When the Lead Agency approves a project which would result in significant and unavoidable impacts to the environment, the agency must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the administrative record. The Statement of Overriding Considerations must be supported by substantial evidence in administrative record. If an agency makes of Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

Risks Associated with This Key Decision

The chief risk associated with this key decision is failure to follow the procedures outlined in CEQA. Procedural errors, if prejudicial, can lead to an overturned decision in court. The CEQA Findings is a legal document and should be prepared with the assistance of counsel.

6.14 KEY DECISION 14: WHAT NEEDS TO BE INCLUDED IN THE ADMINISTRATIVE RECORD?

A complete and accurate administrative record is essential for the agency to be able to demonstrate to a reviewing court, in the event of a legal challenge, that it has substantial evidence to support its conclusions and findings. It is important to be thorough and careful throughout the environmental review process to maintain the record in a complete and well-organized fashion. The court will rely exclusively on materials provided in the administrative record in determining whether the Lead Agency acted based on substantial evidence; therefore, the importance of compiling a complete and accurate administrative record cannot be overemphasized.

The administrative record for the project includes the following.

1. Project supplementary materials;
2. The CEQA document and all materials related to its preparation;
3. All staff reports about the proposed project;
4. Project public hearing records;
5. Correspondence, including emails, related to the proposed project;
6. All public notices;
7. Written comments about the project;
8. Proposed decisions and findings about the project;

9. Documents about prior versions of the project that were considered or approved;
10. All other documents relating to the agency decision on the project; and
11. Project-related materials in possession of the Lead Agency and/or Responsible Agencies.

The list above should be considered general in nature, and PMDB is encouraged to seek support and guidance from counsel about what is (and what is not) part of the administrative record for a particular project. CEQA specifies the categories of documents that comprise an administrative record, and the scope of relevant documents set forth in the statute is quite broad (Public Resources Code Section 21167.6(e)). Protocols should be established prior to CEQA review of a project to facilitate the organization of the administrative record in a manner consistent with the scope spelled out in CEQA and following the format and organization required by the California Rules of Court (CRC, rule 3.1365).

Risks Associated with This Key Decision

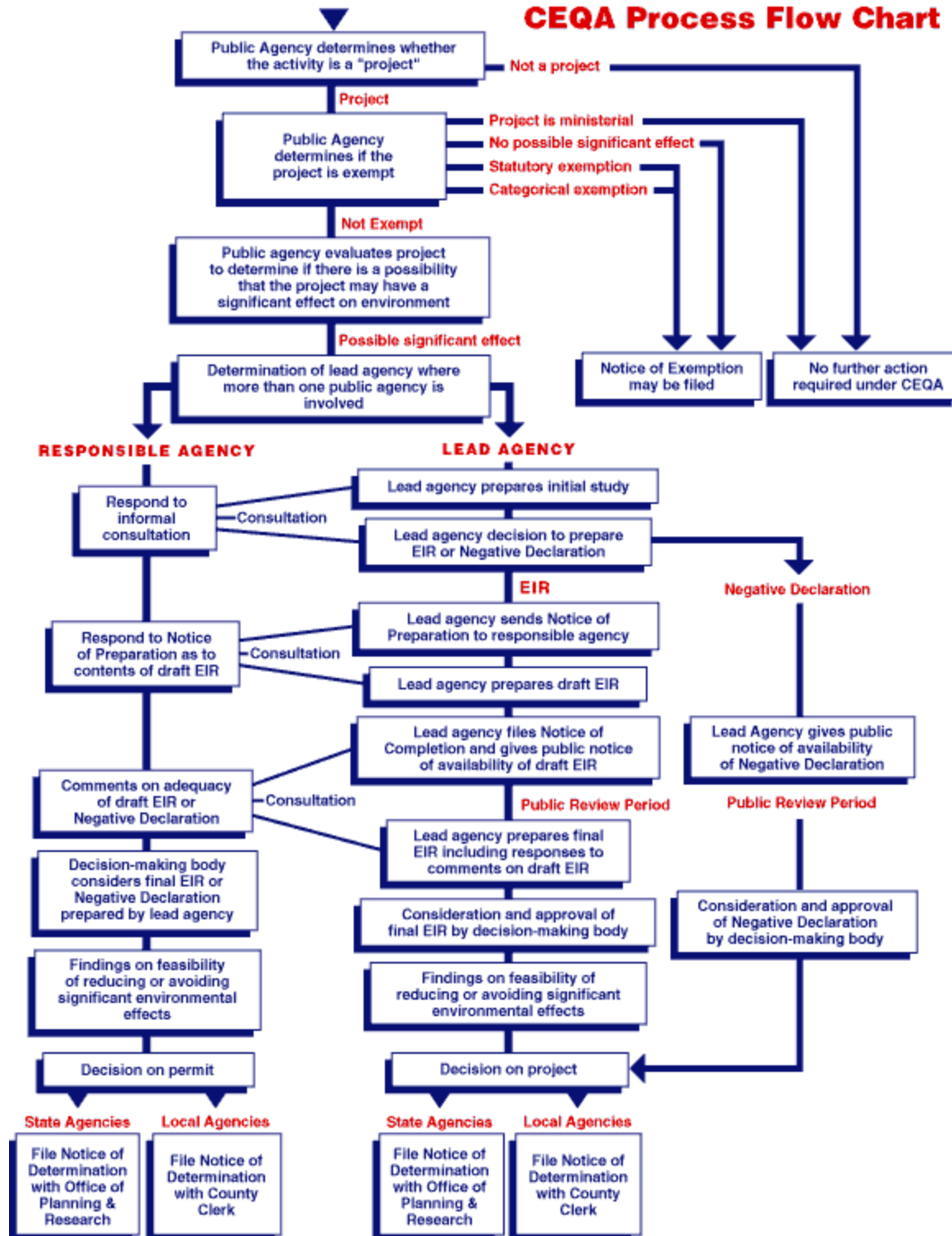
The main risk associated with this decision is failure to effectively maintain the administrative record. The penalty for a poorly organized or incomplete administrative record can be a judgment against the agency, resulting in a reversal of project approvals.

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APPENDIX A

CEQA Process Flow Chart

CEQA Process Flow Chart



APPENDIX B

CEQA Categorical Exemptions

Article 19. Categorical Exemptions

SECTIONS 15300 TO 15332

15300. CATEGORICAL EXEMPTIONS

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.1. RELATION TO MINISTERIAL PROJECTS

Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.2. EXCEPTIONS

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for*

Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

15300.3. REVISIONS TO LIST OF CATEGORICAL EXEMPTIONS

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.4. APPLICATION BY PUBLIC AGENCIES

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15301. EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

- (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
 - (g) New copy on existing on and off-premise signs;
 - (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
 - (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
 - (j) Fish stocking by the California Department of Fish and Game;
 - (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
 - (l) Demolition and removal of individual small structures listed in this subdivision:
 - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
 - (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
 - (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
 - (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
 - (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
 - (n) Conversion of a single family residence to office use.
 - (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
 - (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084, Public Resources Code; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

15302. REPLACEMENT OR RECONSTRUCTION

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084, Public Resources Code.

15304. MINOR ALTERATIONS TO LAND

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15306. INFORMATION COLLECTION

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15307. ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF NATURAL RESOURCES

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15308. ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code; *International Longshoremen's and Warehousemen's Union v. Board of Supervisors*, (1981) 116 Cal. App. 3d 265.

15309. INSPECTIONS

Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15310. LOANS

Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. Class 10 includes but is not limited to the following examples:

- (a) Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.
- (b) Purchases of mortgages from banks and mortgage companies by the Public Employees Retirement System and by the State Teachers Retirement System.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15311. ACCESSORY STRUCTURES

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- (a) On-premise signs;
- (b) Small parking lots;
- (c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15312. SURPLUS GOVERNMENT PROPERTY SALES

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and
- (b) Any of the following conditions exist:
 - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or

- (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in these Guidelines; or
- (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15313. ACQUISITION OF LANDS FOR WILDLIFE CONSERVATION PURPOSES

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including (a) preservation of fish and wildlife habitat, (b) establishing ecological reserves under Fish and Game Code Section 1580, and (c) preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

15314. MINOR ADDITIONS TO SCHOOLS

Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15315. MINOR LAND DIVISIONS

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Note: Authority cited: Sections Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15316. TRANSFER OF OWNERSHIP OF LAND IN ORDER TO CREATE PARKS

Class 16 consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

- (a) The management plan for the park has not been prepared, or
- (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084, 21083.2, and 21084.1, Public Resources Code.

15317. OPEN SPACE CONTRACTS OR EASEMENTS

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15318. DESIGNATION OF WILDERNESS AREAS

Class 18 consists of the designation of wilderness areas under the California Wilderness System.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15319. ANNEXATIONS OF EXISTING FACILITIES AND LOTS FOR EXEMPT FACILITIES

Class 19 consists of only the following annexations:

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15320. CHANGES IN ORGANIZATION OF LOCAL AGENCIES

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district;
- (b) Consolidation of two or more districts having identical powers;
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15321. ENFORCEMENT ACTIONS BY REGULATORY AGENCIES

Class 21 consists of:

- (a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:
 - (1) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement;
 - (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.
- (b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction;
- (c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15322. EDUCATIONAL OR TRAINING PROGRAMS INVOLVING NO PHYSICAL CHANGES

Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

- (a) Development of or changes in curriculum or training methods.
- (b) Changes in the grade structure in a school which do not result in changes in student transportation.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15323. NORMAL OPERATIONS OF FACILITIES FOR PUBLIC GATHERINGS

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, “past history” shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15324. REGULATIONS OF WORKING CONDITIONS

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- (a) Employee wages,
- (b) Hours of work, or
- (c) Working conditions where there will be no demonstrable physical changes outside the place of work.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15325. TRANSFERS OF OWNERSHIP OF INTEREST IN LAND TO PRESERVE EXISTING NATURAL CONDITIONS AND HISTORICAL RESOURCES

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
- (e) Acquisition, sale, or other transfer to preserve historical resources.
- (f) Acquisition, sale, or other transfer to preserve open space or lands for park purposes.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15326. ACQUISITION OF HOUSING FOR HOUSING ASSISTANCE PROGRAMS

Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15327. LEASING NEW FACILITIES

- (a) Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:
 - (1) Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
 - (2) Shall be substantially the same as that originally proposed at the time the building permit was issued;
 - (3) Shall not result in a traffic increase of greater than 10% of front access road capacity; and
 - (4) Shall include the provision of adequate employee and visitor parking facilities.
- (b) Examples of Class 27 include, but are not limited to:
 - (1) Leasing of administrative offices in newly constructed office space;
 - (2) Leasing of client service offices in newly constructed retail space;
 - (3) Leasing of administrative and/or client service offices in newly constructed industrial parks.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15328. SMALL HYDROELECTRIC PROJECTS AT EXISTING FACILITIES

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (a) The capacity of the generating facilities is 5 megawatts or less;
- (b) Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (1) Rate and volume of flow;
 - (2) Temperature;
 - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life; and
 - (4) Timing of release.
- (c) New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- (d) Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (e) There will be no significant upstream or downstream passage of fish affected by the project;

- (f) The discharge from the power house will not be located more than 300 feet from the toe of the diversion structure;
- (g) The project will not cause violations of applicable state or federal water quality standards;
- (h) The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and
- (i) Construction will not occur in the vicinity of any endangered, rare, or threatened species.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15329. COGENERATION PROJECTS AT EXISTING FACILITIES

Class 29 consists of the installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting the conditions described in this section.

- (a) At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
 - (1) Result in no net increases in air emissions from the industrial facility, or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county, and
 - (2) Comply with all applicable state, federal, and local air quality laws.
- (b) At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - (1) Meet all the criteria described in subdivision (a);
 - (2) Result in no noticeable increase in noise to nearby residential structures;
 - (3) Be contiguous to other commercial or institutional structures.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15330. MINOR ACTIONS TO PREVENT, MINIMIZE, STABILIZE, MITIGATE OR ELIMINATE THE RELEASE OR THREAT OF RELEASE OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

- (a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site.
- (b) Examples of such minor cleanup actions include but are not limited to:
 - (1) Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
 - (2) Maintenance or stabilization of berms, dikes, or surface impoundments;

- (3) Construction or maintenance or interim of temporary surface caps;
- (4) Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
- (5) Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
- (6) Application of dust suppressants or dust binders to surface soils;
- (7) Controls for surface water run-on and run-off that meets seismic safety standards;
- (8) Pumping of leaking ponds into an enclosed container;
- (9) Construction of interim or emergency ground water treatment systems;
- (10) Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15331. HISTORICAL RESOURCE RESTORATION/REHABILITATION

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15332. IN-FILL DEVELOPMENT PROJECTS

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

15333. SMALL HABITAT RESTORATION PROJECTS.

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- (a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- (b) There are no hazardous materials at or around the project site that may be disturbed or removed, and
- (c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

- (d) Examples of small restoration projects may include, but are not limited to:
- (1) revegetation of disturbed areas with native plant species;
 - (2) wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;
 - (3) stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;
 - (4) projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment.
 - (5) stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
 - (6) culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

APPENDIX C

2019 CEQA Checklist

CEQA APPENDIX G: ENVIRONMENTAL CHECKLIST FORM

NOTE: The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project title: _____
2. Lead agency name and address: _____

3. Contact person and phone number: _____
4. Project location: _____
5. Project sponsor's name and address: _____

6. General plan designation: _____ 7. Zoning: _____
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? _____

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Signature

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

SAMPLE QUESTION

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>I. AESTHETICS.</u> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES:

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

VI. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XII. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	--------------------------

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XIV. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XV. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVI. TRANSPORTATION/TRAFFIC. Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. TRIBAL CULTURAL RESOURCES.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XVIII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2016

Authority: Public Resources Code sections 21083 and 21083.09

Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/ 21084.2 and 21084.3

APPENDIX D

CEQA Glossary

Appendix D - CEQA Glossary

Note: The following glossary of CEQA terms is from the 2018 CEQA Guidelines.

Article 20. Definitions

SECTIONS 15350 TO 15387

15350. GENERAL

The definitions contained in this article apply to terms used throughout the Guidelines unless a term is otherwise defined in a particular section.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21083, Public Resources Code.

15351. APPLICANT

“Applicant” means a person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21065, Public Resources Code.

15352. APPROVAL

- (a) “Approval” means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.
- (b) With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061 and 21065, Public Resources Code.

15353. CEQA

“CEQA” means the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21050, Public Resources Code.

15354. CATEGORICAL EXEMPTION

“Categorical exemption” means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080(b)(10) and 21084, Public Resources Code.

15355. CUMULATIVE IMPACTS

“Cumulative impacts” refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21083(b), Public Resources Code; *Whitman v. Board of Supervisors*, 88 Cal. App. 3d 397, *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61, Formerly Section 15023.5.

15356. DECISION-MAKING BODY

“Decision-making body” means any person or group of people within a public agency permitted by law to approve or disapprove the project at issue.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21003(b), Public Resources Code; *Kleist v. City of Glendale*, (1976) 56 Cal. App. 3d 770.

15357. DISCRETIONARY PROJECT

“Discretionary project” means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z’berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. Section 21065(c).

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(a), Public Resources Code; *Johnson v. State of California*, (1968) 69 Cal. 2d 782; *People v. Department of Housing and Community Development*, (1975) 45 Cal. App. 3d 185; *Day v. City of Glendale*, (1975) 51 Cal. App. 3d 817; *N.R.D.C. v. Arcata National Corp.*, (1976) 59 Cal. App. 3d 959.

15358. EFFECTS

“Effects” and “impacts” as used in these Guidelines are synonymous.

- (a) Effects include:
 - (1) Direct or primary effects which are caused by the project and occur at the same time and place.

- (2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.

(b) Effects analyzed under CEQA must be related to a physical change.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21068 and 21100, Public Resources Code.

15359. EMERGENCY

“Emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(b)(2), (3), and (4), Public Resources Code.

15360. ENVIRONMENT

“Environment” means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and man-made conditions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21060.5, Public Resources Code.

15361. ENVIRONMENTAL DOCUMENTS

“Environmental documents” means Initial Studies, Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and Negative Declarations under a program certified pursuant to Public Resources Code Section 21080.5, and documents prepared under NEPA and used by a state or local agency in the place of an Initial Study, Negative Declaration, or an EIR.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061, 21080(b), 21080.5, 21108, and 21152, Public Resources Code.

15362. EIR - ENVIRONMENTAL IMPACT REPORT

“EIR” or “Environmental Impact Report” means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The contents of an EIR are discussed in Article 9, commencing with Section 15120 of these Guidelines. The term “EIR” may mean either a draft or a final EIR depending on the context.

- (a) Draft EIR means an EIR containing the information specified in Sections 15122 through 15131.
- (b) Final EIR means an EIR containing the information contained in the draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the Lead Agency to the comments received. The final EIR is discussed in detail in Section 15132.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061, 21100, and 21151, Public Resources Code.

15363. EIS - ENVIRONMENTAL IMPACT STATEMENT

“EIS” or “Environmental Impact Statement” means an environmental impact document prepared pursuant to the National Environmental Policy Act (NEPA). NEPA uses the term EIS in the place of the term EIR which is used in CEQA.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21083.5, 21083.6, and 21083.7, Public Resources Code; 43 U.S.C.A. 4322(2)(c).

15364. FEASIBLE

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, 21004, 21061.1, 21080.5, and 21081, Public Resources Code; Section 4, Chapter 1438 of the Statutes of 1982.

15364.5. GREENHOUSE GAS

“Greenhouse gas” or “greenhouse gases” includes but is not limited to: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 38505(g) Health and Safety Code; Section 21083.05, Public Resources Code.

15365. INITIAL STUDY

“Initial Study” means a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR. Use of the Initial Study is discussed in Article 5, commencing with Section 15060.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080.1, 21080.2, 21080.3, and 21100, Public Resources Code.

15366. JURISDICTION BY LAW

- (a) “Jurisdiction by law” means the authority of any public agency:
- (1) To grant a permit or other entitlement for use;
 - (2) To provide funding for the project in question; or
 - (3) To exercise authority over resources which may be affected by the project.
- (b) A city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is:
- (1) The site of the project;
 - (2) The area in which the major environmental effects will occur; and/or
 - (3) The area in which reside those citizens most directly concerned by any such environmental effects.
- (c) Where an agency having jurisdiction by law must exercise discretionary authority over a project in order for the project to proceed, it is also a Responsible Agency, see Section 15381, or the Lead Agency, see Section 15367.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080.3, 21080.4, 21104, and 21153, Public Resources Code.

15367. LEAD AGENCY

“Lead Agency” means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the Lead Agency for a project are contained in Section 15051.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21165, Public Resources Code.

15368. LOCAL AGENCY

“Local agency” means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21062 and 21151, Public Resources Code.

15369. MINISTERIAL

“Ministerial” describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(b)(1), Public Resources Code; *Johnson v. State of California*, 69 Cal. 2d 782; *Day v. City of Glendale*, 51 Cal. App. 3d 817.

15369.5. MITIGATED NEGATIVE DECLARATION

“Mitigated negative declaration” means a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21064.5, Public Resources Code.

15370. MITIGATION

“Mitigation” includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002, 21002.1, 21081, and 21100(c), Public Resources Code.

15371. NEGATIVE DECLARATION

“Negative Declaration” means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR. The contents of a Negative Declaration are described in Section 15071.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(c), Public Resources Code.

15372. NOTICE OF COMPLETION

“Notice of Completion” means a brief notice filed with the Office of Planning and Research by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review. The contents of this notice are explained in Section 15085.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21161, Public Resources Code.

15373. NOTICE OF DETERMINATION

“Notice of Determination” means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this notice are explained in Sections 15075 and 15094.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21108(a) and 21152, Public Resources Code.

15374. NOTICE OF EXEMPTION

“Notice of Exemption” means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project. The contents of this notice are explained in Section 15062.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21108(b) and 21152(b), Public Resources Code.

15375. NOTICE OF PREPARATION

“Notice of Preparation” means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. Public agencies are free to develop their own formats for this notice. The contents of this notice are described in Section 15082.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21080.4, Public Resources Code.

15376. PERSON

“Person” includes any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, city, county, city and county, town, the state, and any of the agencies and political subdivisions of such entities, and to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21066, Public Resources Code.

15377. PRIVATE PROJECT

A “private project” means a project which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies for:

- (a) A contract or financial assistance, or
- (b) A lease, permit, license, certificate, or other entitlement for use.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21065, Public Resources Code.

15378. PROJECT

- (a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
 - (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.
 - (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
 - (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
- (b) Project does not include:
 - (1) Proposals for legislation to be enacted by the State Legislature;
 - (2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above);
 - (3) The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative. (*Stein v. City of Santa Monica* (1980) 110 Cal.App.3d 458; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165);
 - (4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
 - (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

- (c) The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term “project” does not mean each separate governmental approval.
- (d) Where the Lead Agency could describe the project as either the adoption of a particular regulation under subdivision (a)(1) or as a development proposal which will be subject to several governmental approvals under subdivision (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis. This approach will implement the Lead Agency principle as described in Article 4.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21065, Public Resources Code; *Kaufman and Broad-South Bay, Inc. v. Morgan Hill Unified School District* (1992) 9 Cal.App.4th 464; *Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779; *Simi Valley Recreation and Park District v. Local Agency Formation Commission of Ventura County* (1975) 51 Cal.App.3d 648; and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98.

15379. PUBLIC AGENCY

“Public agency” includes any state agency, board, or commission and any local or regional agency, as defined in these Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21063, Public Resources Code.

15380. ENDANGERED, RARE OR THREATENED SPECIES

- (a) “Species” as used in this section means a species or subspecies of animal or plant or a variety of plant.
- (b) A species of animal or plant is:
 - (1) “Endangered” when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or
 - (2) “Rare” when either:
 - (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or
 - (B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.
- (c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:
 - (1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or
 - (2) Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.
- (d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).
- (e) This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by:
 - (1) The Director of Food and Agriculture with regard to economic pests; or

- (2) The Director of Health Services with regard to health risks.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21001(c), Public Resources Code.

15381. RESPONSIBLE AGENCY

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002.1, 21069, 21080.1, 21080.3, 21080.4, 21167.2, and 21167.3, Public Resources Code.

15382. SIGNIFICANT EFFECT ON THE ENVIRONMENT

“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21068, 21083, 21100, and 21151, Public Resources Code; *Hecton v. People of the State of California*, 58 Cal. App. 3d 653.

15383. STATE AGENCY

“State agency” means a governmental agency in the executive branch of the State Government or an entity which operates under the direction and control of an agency in the executive branch of State Government and is funded primarily by the State Treasury.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21100, Public Resources Code.

15384. SUBSTANTIAL EVIDENCE

- (a) “Substantial evidence” as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.
- (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21080, 21082.2, 21168, and 21168.5, Public Resources Code; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *Running Fence Corp. v. Superior Court* (1975) 51 Cal.App.3d 400; *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.

15385. TIERING

“Tiering” refers to the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by

reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

- (a) From a general plan, policy, or program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR;
- (b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

Note: Authority cited: Sections Section 21083, Public Resources Code; Reference: Sections 21003, 21061, and 21100, Public Resources Code.

15386. TRUSTEE AGENCY

“Trustee Agency“ means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies include:

- (a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department;
- (b) The State Lands Commission with regard to state owned “sovereign” lands such as the beds of navigable waters and state school lands;
- (c) The State Department of Parks and Recreation with regard to units of the State Park System;
- (d) The University of California with regard to sites within the Natural Land and Water Reserves System.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080.3 and 21080.4, Public Resources Code.

15387. URBANIZED AREA

“Urbanized area” means a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. A Lead Agency shall determine whether a particular area meets the criteria in this section either by examining the area or by referring to a map prepared by the U.S. Bureau of the Census which designates the area as urbanized. Maps of the designated urbanized areas can be found in the California EIR Monitor of February 7, 1979. The maps are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The maps are sold in sets only as Stock Number 0301-3466. Use of the term “urbanized area” in Section 15182 is limited to areas mapped and designated as urbanized by the U.S. Bureau of the Census.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21080.7 and 21083, and 21084, Public Resources Code.